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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

Petition for Warrant or Summons for Offender Under Supervision

October 17, 2017

Name of Offender: **DAVID ANTONIO ALLEN** Docket Number: 1:11:CR:188-01

Name of Sentencing Judicial Officer: The Honorable Janet T. Neff
U.S. District Judge

Date of Original Sentence: December 19, 2011

Original Offense: Possession with Intent to Distribute 28 Grams or More of Cocaine Base;
21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii)

Original Sentence: 60 months custody; 4 years supervised release. Special conditions: (1) access to financial information; (2) testing and treatment for substance abuse; (3) no alcohol; (4) full time employment or weekly community service; (5) high school diploma or GED. Special assessment, \$100.00 (paid in full).

July 13, 2016: Report on Offender: Notified the Court of admitted alcohol use. Substance abuse testing was increased and Courage to Change interactive journal was completed. Your Honor agreed with recommendation for no court action.

November 10, 2016: Modification of supervision as a result of committing a new crime of Driving While License Suspended. The Court added special condition number 6 requiring the Mr. Allen to serve 30 days on location monitoring.

February 15, 2017: Modification of supervision as a result of testing positive for cocaine and denial of use. The Court added special condition number (7) requiring Mr. Allen to serve 3 months in the RRC.

April 12, 2017: Report on Offender: Notified the Court of admitted alcohol use while at the RRC. Mr. Allen was placed on further restriction and admonished for his violation behavior. Your Honor agreed with recommendation for no court action.

May 23, 2017: Modification of supervision as a result of alcohol consumption. The Court amended special condition (7) requiring Mr. Allen to serve 6 months in the RRC.

Petition for Warrant or Summons
for Offender Under Supervision

Page 2
The Honorable Janet T. Neff
Re: **DAVID ANTONIO ALLEN**
October 17, 2017

July 21, 2017: Petition for summons as a result of the defendant incurring a Driving While License Suspended. Your Honor ordered no action.

Type of Supervision: Supervised Release Date Supervision Commenced: October 21, 2015

U.S. Assistant Attorney: R. Clay Stiffler Defense Attorney: Chris A. Houghtaling

PETITIONING THE COURT

[X] To issue a warrant

The probation officer believes the offender has violated the following conditions of supervision:

VIOLATION NUMBER 1

Mandatory Condition: “The defendant shall not commit another federal, state, or local crime.”

On or about October 15, 2017, Mr. Allen carried a concealed weapon. Carrying a Concealed Weapon is a violation of MCL 750.227, and is a felony punishable by 5 years imprisonment or a fine of not more than \$2,500.00.

VIOLATION NUMBER 2

Mandatory Condition: “The defendant shall not commit another federal, state, or local crime.”

On or about October 15, 2017, Mr. Allen possessed a firearm. Mr. Allen is prohibited from possessing a firearm since he is a felon. Felon in Possession of a Firearm is a violation of MCL 750.224f, and is a felony punishable by 5 years imprisonment and/or a fine of not more than \$5,000.00.

VIOLATION NUMBER 3

Mandatory Condition: “The defendant shall not commit another federal, state, or local crime.”

On or about October 15, 2017, Mr. Allen assaulted, resisted, or obstructed a police officer. Assaulting, Resisting, or Obstructing a Police Officer is a violation of MCL 750.81d, and is a felony punishable by 2 years imprisonment and/or a fine of not more than \$2,000.00.

Petition for Warrant or Summons
for Offender Under Supervision

Page 3
The Honorable Janet T. Neff
Re: DAVID ANTONIO ALLEN
October 17, 2017

VIOLATION NUMBER 4

Mandatory Condition: “The defendant shall not commit another federal, state, or local crime.”

On or about October 15, 2017, Mr. Allen operated a vehicle while intoxicated. Operating a Vehicle While Intoxicated with a Blood Alcohol Level Over .17 is a violation of MCL 257.625(1)(c), and is a misdemeanor punishable by 180 days imprisonment or a fine of not more than \$700.00.

VIOLATION NUMBER 5

Mandatory Condition: “The defendant shall not commit another federal, state, or local crime.”

On or about October 15, 2017, Mr. Allen drove a vehicle while his license was suspended. Driving While License Suspended 2nd is a violation of MCL 257.904(3)(a), and is a misdemeanor punishable by 93 days imprisonment and/or a \$500.00 fine.

VIOLATION NUMBER 6

Mandatory Condition: “The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.”

On or about October 15, 2017, Mr. Allen possessed a firearm.

VIOLATION NUMBER 7

Special Condition Number 3: “The defendant shall not use/possess any alcoholic beverages and shall not frequent any establishments whose primary purpose is the sale/serving of alcohol.”

On or about October 15, 2017, Mr. Allen possessed and consumed alcohol.

Supporting Evidence and Information for Violations 1 through 7:

On or about October 15, 2017, Mr. Allen was pulled over by officers from the Kentwood, Michigan Police Department. A traffic stop was conducted after observing Mr. Allen swerving his vehicle, driving down the center line of the street, and striking the curb of a median. Officers made contact with Mr. Allen and observed his eyes were bloodshot and he smelled of alcohol. Officers ordered Mr. Allen to exit his vehicle after they suspected he was intoxicated and determined he was driving on a suspended driver's license. Mr. Allen was reluctant to exit his

Petition for Warrant or Summons
for Offender Under Supervision

Page 4
The Honorable Janet T. Neff
Re: DAVID ANTONIO ALLEN
October 17, 2017

vehicle. He finally exited his vehicle with his Pitbull dog, despite the officers' instructions to have his dog remain in the vehicle.

After exiting the vehicle, Mr. Allen ran from the officers. The officers pursued Mr. Allen, and had to grab onto his arms and tackle him to the ground. Mr. Allen again refused to listen to officers' commands and began fighting the police. Furthermore, Mr. Allen's dog jumped on the officers and attempted to bite them. The officers were eventually able to handcuff Mr. Allen after a struggle on the ground. Once handcuffed, Mr. Allen continued to attempt to pull away from the officers and remained uncooperative.

A custodial search of Mr. Allen's left pants pocket revealed an unloaded Smith and Wesson revolver, model 37, Airweight .38 Special caliber, serial number J88937. It is also noted five cell phones were found in Mr. Allen's vehicle. Upon question, Mr. Allen told the officers he had been drinking Hennessy and Remy Martin with his brother, and stated he was "buzzed". A preliminary portable breath was administered to Mr. Allen, which revealed a .28 alcohol level. The data master test was administered to Mr. Allen at the police department, which registered a .30 and .29, respectively.

On October 16, 2017, Mr. Allen was arraigned in the 62B Kentwood District Court, Kentwood, Michigan, in Case Number 1760231-FY, and he was released on bond. Mr. Allen has also been charged with Habitual Offender Fourth, which carries a penalty of life imprisonment per MCL 769.12.

Petition for Warrant or Summons
for Offender Under Supervision

Page 5
The Honorable Janet T. Neff
Re: **DAVID ANTONIO ALLEN**
October 17, 2017

U.S. Probation Officer Recommendation:

[X] The term of supervision should be
[X] Revoked

I declare under penalty of perjury
the foregoing is true and correct.

Executed on: October 17, 2017

/s/ Amy Vander Velde
Amy Vander Velde
U.S. Probation Officer
616-456-2896

Reviewed and Approved: /s/ Scott Lopofsky
Scott Lopofsky
Supervisory U.S. Probation Officer
616-456-2310

THE COURT ORDERS:

[] No Action
[X] The Issuance of a Warrant
[] The Issuance of a Summons
[] Other

/s/ Janet T. Neff
The Honorable Janet T. Neff
U.S. District Judge

October 18, 2017
Date